

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TROYRON DAVIS GLADNEY,

Plaintiff,

v.

JEFFRY GETTINGS, et al.,

Defendants.

Case No. 1:21-cv-64

HON. JANET T. NEFF

OPINION AND ORDER

This is a civil rights action brought by pro se Plaintiff Troyron D. Gladney. On February 11, 2022, the Magistrate Judge issued a Report and Recommendation (R & R), recommending that Defendants' motion be granted, and this case dismissed (ECF No. 28). On February 28, 2022, the Court received Plaintiff's Notice of Appeal (ECF No. 29) and Application to Proceed *In Forma Pauperis* (ECF No. 30).¹ Attached to Plaintiff's Notice of Appeal appear to be one page of objections (ECF No. 29-1 at PageID.118). Because Plaintiff's appeal of the Report and Recommendation is clearly frivolous, *see Genous v. Gray*, No. 20-3326, 2020 WL 3412694, at *1 (6th Cir. Apr. 17, 2020), the Court finds that it still has jurisdiction over this matter, *see Cochran v. Birkel*, 651 F.2d 1219, 1222 (6th Cir. 1981) ("a notice of appeal from a plainly nonappealable order may properly be ignored by the district court."). Therefore, the Court will address Plaintiff's purported objections.

¹ This Court subsequently denied Plaintiff's Application to Proceed *In Forma Pauperis* because this Court had not yet ruled on the R & R (ECF No. 32). The Sixth Circuit has assigned this matter a case number and the case remains pending. *See Gladney v. Gettings*, No. 22-1151 (6th Cir. 2022).

Upon receiving an objection to the R & R, the district judge “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). This Court may accept, reject, or modify any or all of the magistrate judge’s findings or recommendations. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). “The objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious.” *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995) (citing *Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505, 508–09 (6th Cir. 1991)). A general objection that fails to specify the issues in contention equates to no objection. *Id.*

Plaintiff’s short objections are cryptic and fail to specifically address any portion of the R & R. He does not address the Magistrate Judge’s recommendation that several Defendants are entitled to prosecutorial immunity. Nor does he address the Magistrate Judge’s failure-to-state-a-claim analysis. Because Plaintiff has failed to specifically object to any portion of the R & R, Plaintiff’s objections are denied. Accordingly, this Court adopts the Magistrate Judge’s Report and Recommendation as the Opinion of this Court. A Judgment will be entered consistent with this Opinion and Order. *See* FED. R. CIV. P. 58.

Therefore:

IT IS HEREBY ORDERED that the Objections (ECF No. 29-1) are DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 28) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion to Dismiss (ECF No. 19) is GRANTED.

Dated: March 31, 2022

/s/ Janet T. Neff

JANET T. NEFF
United States District Judge